

DOCKET NO: C1039.70048US00

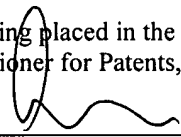
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No: 09/818,918
Confirmation No: 4953
Filed: March 27, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACID
MOLECULES

Examiner: Nita M. Minnifield
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 17th day of May, 2005.



Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. § 1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

05/20/2005 RMEBRAHT 00000005 09818918
01 FC:1806 180.00 OP

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

| <u>Docket No.</u> | <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> |
|-------------------|-------------------|--------------------|--------------------|
| *C1039.70020US01 | 10/921,086 | August 18, 2004 | Krieg et al. |
| *C1039.70048US11 | 10/928,762 | August 26, 2004 | Krieg et al. |
| *C1037.70050US01 | 10/952,254 | September 27, 2004 | Uhlmann et al. |
| *C1039.70048US13 | 10/956,494 | October 1, 2004 | Krieg et al. |
| *C1039.70048US12 | 10/956,745 | October 1, 2004 | Krieg et al. |
| *C1039.70048US14 | 10/972,301 | October 22, 2004 | Krieg et al. |
| *C1037.70054US01 | 10/973,927 | October 25, 2004 | Lipford et al. |
| *C1041.70043US01 | 10/977,560 | October 29, 2004 | Jurk et al. |
| *C1041.70034US01 | 10/978,283 | October 29, 2004 | Uhlmann et al. |
| *C1041.70041US01 | 10/982,193 | November 5, 2004 | Bauer et al. |
| *C1039.70048US15 | 10/987,146 | November 12, 2004 | Krieg et al. |
| *C1039.70048US16 | 11/031,460 | January 7, 2005 | Krieg et al. |
| *C1039.70048US17 | 11/036,527 | January 14, 2005 | Krieg et al. |
| *C1039.70044US01 | 11/056,463 | February 11, 2005 | Hartmann et al. |
| *C1037.70053US01 | 11/061,140 | February 18, 2005 | Lipford et al. |
| *C1039.70083US11 | 11/067,516 | February 25, 2005 | Krieg et al. |
| *C1039.70048US18 | 11/067,587 | February 25, 2005 | Krieg et al. |
| *C1039.70077US01 | 11/071,836 | March 3, 2005 | Krieg |
| *C1041.70016US02 | 11/084,777 | March 18, 2005 | Bauer et al. |

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003, and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated or unless otherwise not required. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

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Conf. No.: 4953

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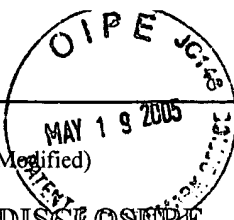
An early and favorable action is hereby requested.

Respectfully submitted,
Krieg et al., *Applicant*

By: 

Alan W. Steele, M.D., Ph.D., Reg. No. 45,128
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 646-8000

Docket No. C1039.70048US00
Date: May 17, 2005
XNDDX



FORM PTO-1449/A and B (Modified)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICATION NO.: 09/818,918

ATTY. DOCKET NO.: C1039.70048US00

FILING DATE: March 27, 2001

CONFIRMATION NO.: 4953

APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

EXAMINER: Nita M. Minnifield

Sheet

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of

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U.S. PATENT DOCUMENTS

| Examiner's Initials | Cite No. | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication or of issue of Cited Document MM-DD-YYYY |
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| | | 2005-0049215 | A1 | Krieg et al. | 03-03-2005 |

EXAMINER:

DATE CONSIDERED:

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|--|---|----|---|-----------------------------|-----------------------------------|
| FORM PTO-1449/A and B (Modified) | | | | APPLICATION NO.: 09/818,918 | ATTY. DOCKET NO.: C1039.70048US00 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | FILING DATE: March 27, 2001 | CONFIRMATION NO.: 4953 |
| | | | | APPLICANT: Krieg et al. | |
| Sheet | 2 | of | 2 | GROUP ART. UNIT: 1645 | EXAMINER: Nita M. Minnifield |

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| Examiner's Initials | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document (not necessary) | Date of Publication of Cited Document MM-DD-YYYY | Translation (Y/N) |
|------------------------|-------------|-------------------------|--------|--------------|---|---|----------------------|
| | | Office/ Country | Number | Kind Code | | | |
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OTHER ART — NON PATENT LITERATURE DOCUMENTS

| Examiner's Initials | Cite No. | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
|------------------------|-------------|---|----------------------|
| | | HEMMI H et al. A Toll-like receptor recognizes bacterial DNA. Nature. 2000 Dec 7;408(6813):740-5. | |
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

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| EXAMINER: | DATE CONSIDERED: |
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